

REMARKS

This Amendment is responsive to the Office Action mailed on May 16, 2007. Claims 1-3 are amended. Claims 5-8 are cancelled. Claims 1-4 are pending.

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by Harris (US 5,829,620).

Claim 5 is rejected under 35 U.S.C. § 102(b) as being anticipated by Spitzberg (US 3,294,274).

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of Auzureau (US 5,988,423).

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris in view of Kieper (US 5,785,074).

Applicants respectfully traverse these rejections in view of the amended claims and the following comments.

Discussion of Amended Claims

Claim 1 is amended herein to more clearly define Applicants' claimed invention. In particular, Applicants' amended claim 1 now sets forth a bottom drain valve for enameled containers of the chemical industry, the container having a container wall provided with enameling and a ring-shaped neck section ending with a flange-like edge. The valve comprises a body part and a sealing module. The body part has a collar, a cylindrical section, and an upper end. The cylindrical section extends from the collar to the upper end, and the cylindrical section is adapted to be inserted into the ring-shaped neck section. The cylindrical section also has a conical taper in a region close to the upper end opposite to the collar. The collar extends transversely to the cylindrical section. The sealing module has (a) a circular disc shaped seal portion adapted to be clamped between the flange-like edge and the collar when the body part is inserted into the ring-shaped neck section to provide a seal between the flange-like edge and the collar, (b) a cylindrical seal portion extending substantially transversely from the circular disc

shaped seal portion, an upper part of the cylindrical seal portion arranged to provide a seal between the conical taper of the body part and the enameling of the container wall at the ring-shaped neck section, and (c) a reinforced, elastically/plastically deformable ring-shaped sealing area at the upper part of the cylindrical seal portion to provide a seal between the upper end of the body part and the ring-shaped neck section.

Discussion of Harris

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Harris. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Harris does not meet the requirements for an anticipation rejection.

Harris is directed towards a quick-on cap for closing the mouth of a filler neck of a vehicle fuel tank. In contrast, Applicants' claimed invention is directed towards a bottom drain valve for enameled containers such as those used in the chemical industry. The drain valve of Applicants' claimed invention is for use in the bottom of a chemical container for drainage of liquid from the container and not as a cap in the filler neck of a fuel tank as is the device of Harris. Those skilled in the art will appreciate that a seal that may be adequate for keeping liquid from spilling out of the top of a gas tank (as disclosed in Harris) would not be adequate for sealing a drain valve inserted into the bottom of a container (as claimed by Applicant), which is subject to pressure from the liquid in the container at all times due to the force of gravity.

Accordingly, the subject matter of Harris is far removed from that of Applicants' invention set forth in amended claim 1. In particular, Harris does not disclose or remotely suggest a sealing module as claimed by Applicants which sealing module has (a) a circular disc shaped seal portion adapted to be clamped between the flange-like edge and the collar when the body part is inserted into the ring-shaped neck section to provide a seal between the flange-like edge and the collar, (b) a cylindrical seal portion extending substantially transversely from the

circular disc shaped seal portion, an upper part of the cylindrical seal portion arranged to provide a seal between the conical taper of the body part and the enameling of the container wall at the ring-shaped neck section, and (c) a reinforced, elastically/plastically deformable ring-shaped sealing area at the upper part of the cylindrical seal portion to provide a seal between the upper end of the body part and the ring-shaped neck section, as claimed by Applicants.

In contrast, in Harris, the sealing gasket 20 is an O-ring type gasket which sits in annular channel 32. This gasket 20 of Harris has an inner ring 40 which seals between one or more of walls 34, 36, and 38 and an outer ring 42 which seals between the interior wall 82 of the filler neck 12 and the closure body 14 (Col. 5, lines 13-20 and Col. 6, lines 23-25). In contrast, with Applicants' claimed invention, the sealing module has three portions, a circular disk-shaped seal portion, a cylindrical seal portion, and a ring shaped sealing area, each of which forms a seal between corresponding parts of the container and the body part of the drain valve.

As Harris does not disclose each and every element of the invention as claimed, the rejections under 35 U.S.C. § 102(b) are believed to be improper, and withdrawal of the rejections is respectfully requested. See, *Akamai Technologies Inc., supra*.

Discussion of Spitzberg

Claim 5 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Spitzberg. This rejection is respectfully traversed. An anticipation rejection requires that each and every element of the claimed invention as set forth in the claim be provided in the cited reference. See *Akamai Technologies Inc. v. Cable & Wireless Internet Services Inc.*, 68 USPQ2d 1186 (CA FC 2003), and cases cited therein. As discussed in detail below, Spitzberg does not meet the requirements for an anticipation rejection.

Claim 5 is cancelled herein. However, amended claim 1 now includes a portion of the subject matter of claim 5, namely amended claim 1 now specifies that the sealing module includes a disk-shaped seal portion.

Spitzberg is directed to a seal between a cover and a container, and not a seal for a bottom drain valve as claimed by Applicants. Accordingly and for substantially the same reasons as set

forth above with regard to the gas cap of Harris, Applicants' respectfully submit that Spitzberg is far removed from Applicants' invention as set forth in amended claim 1.

Further, Spitzberg does not disclose or remotely suggest a drain valve having a body part and a sealing module as claimed by Applicants. There is no disclosure in Spitzberg of providing a sealing module for a drain valve or any suggestion that the seal of Spitzberg could be used with the type of bottom drain valve claimed by Applicants.

Further, Spitzberg does not disclose a sealing module having (a) a circular disc shaped seal portion adapted to be clamped between the flange-like edge and the collar when the body part is inserted into the ring-shaped neck section to provide a seal between the flange-like edge and the collar, (b) a cylindrical seal portion extending substantially transversely from the circular disc shaped seal portion, an upper part of the cylindrical seal portion arranged to provide a seal between the conical taper of the body part and the enameling of the container wall at the ring-shaped neck section, and (c) a reinforced, elastically/plastically deformable ring-shaped sealing area at the upper part of the cylindrical seal portion to provide a seal between the upper end of the body part and the ring-shaped neck section, as claimed by Applicants.

In particular, the seal member 36 of Spitzberg includes a trailing portion 42 which the Examiner apparently equates with the upper part of Applicants' claimed sealing module (Office Action, page 3). However, Spitzberg does not disclose or remotely suggest a ring-shaped sealing area at the upper part of the cylindrical portion of the seal member 36. Rather, as can be seen from Figure 2 of Spitzberg, the trailing portion 42 of the seal member 36 is tapered to a point. Accordingly, there is no disclosure or suggestion in Spitzberg of a sealing module having a reinforced, elastically/plastically deformable ring-shaped sealing area at the upper part of the cylindrical seal portion to provide a seal between the upper end of the body part and the ring-shaped neck section, as claimed by Applicants.

Applicants respectfully submit that the present invention is not anticipated by and would not have been obvious to one skilled in the art in view of Spitzberg, taken alone or in combination with any of the other prior art of record.

Further remarks regarding the asserted relationship between Applicant's claims and the

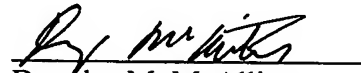
prior art are not deemed necessary, in view of the amended claims and the foregoing discussion. Applicants' silence as to any of the Examiner's comments is not indicative of an acquiescence to the stated grounds of rejection.

Withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is therefore respectfully requested.

Conclusion

The Examiner is respectfully requested to reconsider this application, allow each of the pending claims and to pass this application on to an early issue. If there are any remaining issues that need to be addressed in order to place this application into condition for allowance, the Examiner is requested to telephone Applicants' undersigned attorney.

Respectfully submitted,



Douglas M. McAllister
Attorney for Applicant(s)
Registration No.: 37,886
Lipsitz & McAllister, LLC
755 Main Street
Monroe, CT 06468
(203) 459-0200

ATTORNEY DOCKET NO.: HOEG-1020

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